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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,428	10/02/2000	Thomas H. Tapio	3863P003	4356
7590	09/30/2004		EXAMINER	
James P Muratt Wallenstein & Wagner LTD 311 South Wacker Drive 53rd Floor Chicago, IL 60606-6622			HOLMES, MICHAEL B	
			ART UNIT	PAPER NUMBER
			2121	
DATE MAILED: 09/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

8/13

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/678,428	TAPIO, THOMAS H.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael B. Holmes	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 29 June 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 38-70 is/are pending in the application.
  - 4a) Of the above claim(s) 1-37 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 38-70 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on October 02, 2000 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.



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## Examiner's Detailed Office Action

1. This office action is responsive to communication received on **June 29, 2004**, under 37 CFR § 1.111 Amendment "A." Reconsideration and allowance of the present application **09/678,428** are respectfully requested by applicant. All such supporting documentation has been placed in applicant's file. Claims 1-37 have been canceled, and claims 38-70 have been added.

## Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

**(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.**

3. Claims 38, 49, & 60 are rejected under 35 U.S.C. 102(e) as being anticipated by *Bertrand et al.* (USPN 6,018,732).

Regarding claim 38, 49, & 60. *Bertrand et al.* describes a method of authoring, generating, and using an expert system (see FIG. 2; C 1, L 16-30) having a plurality of pages viewable with a browser (see FIG. 2; C 10, L 6-36), the method comprising: receiving a first question, a second question, and a third question from an expert (see C 1, L 31-48 & FIG. 54-FIG 60 *the text of which is located at C 145, L 8 to C 146, L 60*; Moreover, *note, viewing is done through a browser*); receiving a first potential answer to the first question and a second potential answer to the first question from the expert (see C 1, L 31-48 & FIG. 54-FIG 60, *the text of which is located at (C 145, L 8 to C 146, L 60)*; Moreover, *note, it is a given that if one has been given the ability to ask the question(s) or a question being ask of them, then it is assume the ability to respond to the questions will also be given, however, an answer can be given as feedback or a solution or even a recommendation e.g., (see FIG. 56 & FIG. 59)*); receiving a first potential answer to the second question and a second potential answer to the second question from the expert (see FIG. 56 & FIG. 59, *Examiner's interpretation is that an answer, can be feedback, a solution or recommendation in response to the questions(s)*); receiving a solution to the problem from the expert (see FIG. 56 & FIG. 59, *Examiner's interpretation is that an answer, can be feedback, a solution or recommendation in response to the questions(s)*); receiving a first Boolean logic rule from the expert, the first Boolean logic rule associating the first potential answer to the first question, the first potential answer to the second question, and the third question; receiving a second Boolean logic rule from the expert, the second Boolean logic rule associating the first potential answer to the first question, the second potential answer to the second question, and the solution (see C 139, Field Name “*TutorAware*” Data Type “*Boolean*” *which implies Boolean logic is integrated into the system*, Moreover, *note, the use Boolean logic*

*in educational, Engineering, Medical, expert systems, etc., is well known in the arts); generating the plurality of pages based on the first question, the second question, the third question, the first potential answer to the first question, the second potential answer to the first question, the first potential answer to the second question, the second potential answer to the second question, the first Boolean logic rule, the second Boolean logic rule, and the solution (see FIG. 56 & FIG. 59, the text of which is located at (C 145, L 8 to C 146, L 60, see C 139, Field Name “TutorAware” Data Type “Boolean” which implies Boolean logic is integrated into the system, Moreover, note, the use Boolean logic in educational, Engineering, Medical, expert systems, etc., is well known in the arts); transmitting a first page of the plurality of pages to the user, the first page displaying the first question to the user (see FIG. 1; FIG. 56 & FIG. 59, note, your using a browser which is resident on a typical workstation computer); receiving a first response from the user, wherein the first response is indicative of one of the first potential answer to the first question and the second potential answer to the first question (see FIG. 56 & FIG. 59); transmitting a second page of the plurality of pages to the user, the second page displaying the second question to the user (see FIG. 1; FIG. 56 & FIG. 59, note, your using a browser which is resident on a typical workstation computer); receiving a second response from the user, wherein the second response is indicative of one of the first potential answer to the second question and the second potential answer to the second question (see FIG. 54; C 145, L 34-43, note, feedback which can be an answer); executing at least one of the first Boolean logic rule to produce a first rule result and the second Boolean logic rule to produce a second rule result (see FIG. 54; C 145, L 34-43, note, feedback which can be an answer); and transmitting a third page to the user, the third page displaying the*

third question to the user if the first rule result is positive, the second page displaying the solution to the user if the second rule result is positive. (see FIG. 58; C 146, L 21-28)

## Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 39-48, 50-59, & 61-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Bertrand et al.* (USPN 6,018,732) further in view of *Fields et al.* (USPN 6,128,655).

*Bertrand et al.* has been discussed above, and does not explicitly teach the limitations embodied in claims 39-48, 50-59, & 61-70, respectively. However, *Fields et al.* teaches the limitations embodied in claims 39-48, 50-59, & 61-70.

Regarding claim 39-48, 50-59, & 61-70 *Fields et al.* describes (see FIG. 1 & FIG. 2, item 101, 107, & 121, also see C 3, L 55 to C 4, L 49; *Examiner's note*, *JAVA is pervasive in Contemporary computing, and is inclusive of "Live Webex, multimedia presentations, corporate conferencing, telephony, and personal media broadcasting performed over the Internet.* Moreover, *templates, cascading style sheets part of the Hypertext Markup Language (HTML) specification developed by the World Wide Web Consortium (W3C) is well known in the arts.*

*Javascript (see C 9, L 53-63) a scripting language developed by Netscape and Communications and Sun Microsystems that is loosely related to JAVA is considered describe although not mentioned by the reference. Moreover, Javascript is generally included in the web page along with the HTML code, and also is well know in the arts.) It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matters to combine Bertrand et al. with Fields et al. because the World Wide Web is the Internet's multimedia information retrieval system.*

## Response to Arguments

6. Specifically, three key differences between claim 38 and the art of record were discussed. First, the invention as now claimed includes three distinct phases of operation. The first phase is an "authoring" phase, wherein a person who possesses certain expertise may enter questions, potential answers, solutions, and Boolean logic rules (connecting the questions, potential answers, and solutions) in to the system (*Bertrand et al. points out that the authoring, that is, building of the knowledge based system or expert system is a collaboration between the domain expert and knowledge engineer, see FIG. 2; C 1, L 16-30*). The second phase is a "generating" phase, wherein a plurality of pages is generated based on the expert's input (*Bertrand et al. addresses web page generation, see C 6, L 10-53*). The third phase is a "using" phase, wherein an end user in need of the expertise captured in the plurality of pages can navigate through the plurality of pages based on the rules entered by the expert by reading questions and selecting answers (*Bertrand et al. addresses the use byway FIG. 54 through FIG. 60*). The second distinction of the prior art of record discussed was that the system of the present invention

generates an executable not just a data file. For example, the system of the present invention may generate a plurality of HTML web pages with embedded JavaScript, thereby capturing the "expert system" in a portable format that can be executed by any standard web browser (*The use of Javascript is addressed by Fields et al., see C 9, L 53-63*). Typical expert systems generate a "knowledge base," which is a proprietary data file that cannot be executed. Third, the rules generated by the system of the present invention are "complex." Specifically, a rule in the system of the present invention can require responses from more than one previous question. In addition, a rule result can be another question or a solution. These rules are not just simple "vectors" or hyperlinks that take a single answer and move the user to a predetermined page. (*Bertrand et al., in the Abstract mentions : A system is disclosed that provides a goal based learning system utilizing a rule based expert training system to provide a cognitive educational experience.*)

## Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### Correspondence Information

9. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Michael B. Holmes** who may be reached via telephone at **(703) 308-6280**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding After Final issues, please send it to **(703) 746-7238**. If you need to send an Official facsimile transmission, please send it to **(703) 746-7239**. If you would like to send a Non-Official (draft) facsimile transmission the fax is **(703) 746-7240**. If attempts to reach the examiner by telephone are unsuccessful, the **Examiner's Supervisor, Anthony Knight**, may be reached at **(703) 308-3179**.

Any response to this office action should be mailed to:

**Director of Patents and Trademarks Washington, D.C. 20231**. Hand-delivered responses should be delivered to the Receptionist, located on the fourth floor of **Crystal Park II, 2121 Crystal Drive Arlington, Virginia**.

Art Unit: 2121

***Michael B. Holmes***  
Patent Examiner  
Artificial Intelligence  
Art Unit 2121  
United States Department of Commerce  
Patent & Trademark Office



Anthony Knight  
Supervisory Patent Examiner  
Group 3600